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| IN RE: UBER TECHNOLOGIES, INC., |) | MDL No. 3084 CRB |
| PASSENGER SEXUAL ASSAULT |) | PLAINTIFF's OPPOSITION TO |
| LITIGATION |) | DEFENDANTS' MOTION TO DISMISS |
| <hr/> |) | DUPLICATE CASES |
| This Document Relates To: |) | |
| Arpitkumar Patel |) | CASE NO 3:25-CV-05287 |
| 3:25-cv-05287 | | |

1. On October 14th, 2025, Defendant's filed a Motion to Dismiss on the claims in the above-listed Plaintiffs on the grounds that Plaintiffs have two duplicative actions in this multidistrict litigation. [Document 4145]. Regarding the one case that involved Ben Martin Law Group, the dual representation has been cured and therefore Uber's Motion to Dismiss should be denied.

2. On February 28, 2025, Peiffer Wolf Carr Kane Conway & Wise filed a complaint on behalf of Plaintiff A.P. alleging sexual assault or harassment by an Uber driver in New Jersey on June 27, 2023. *Complaint, A.P. v. Uber Technologies, Inc. et al., No. 3:25-cv-02105-CRB*,

1 *ECF No. 1* (N.D. Cal. Feb. 28, 2025). Plaintiff A.P. filed a second complaint relating to the
2 same incident on June 27, 2025, through the Ben Martin Law Group and abandoning the
3 pseudonym. *Patel v. Uber Technologies, Inc. et al.*, No. 3:25-cv-05287-CRB, *ECF No. 1*
4 (N.D. Cal. June 27, 2025). Peiffer Wolf and Ben Martin Law Group have resolved this dual
5 representation issue. Peiffer Wolf will continue their case filed on behalf of Plaintiff A.P., and
6 Ben Martin Law Group has agreed to dismiss their case.

7 **III. ARGUMENT**

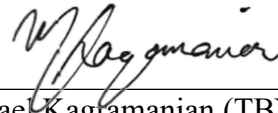
- 8 3. Plaintiffs in mass tort litigations unfortunately may get confused and hire a different law firm
9 than the one that they originally contacted for representation. An individual might sign with one
10 firm and then sign with a second firm, mistakenly believing it is the same law firm. This is not
11 uncommon in large mass tort litigations. Plaintiffs A.P. and K.L. mistakenly signed contracts for
12 representation with two different law firms, resulting in duplicative complaints being filed.
13 However, this was not intentional and there was no bad faith. Plaintiffs have rectified the dual
14 filing issues, and Uber's motion for dismissal is moot.

15 Further, Uber's request for sanctions is procedurally improper. A motion for sanctions must
16 be brought on motion after notice to the opposing party. Fed. R. Civ. P. 37; N.D. Cal. Civ. L.R.
17 7-2, 7-8. Because Uber fails to satisfy this threshold procedural requirement its request should be
18 denied. Additionally, Uber's request for sanctions is meritless. Uber cites to cases where
19 sanctions were awarded for clear litigation abuses or bad faith conduct. *See Evon v. Law Offices*
20 *of Sidney Mickell*, 688 F.3d 1015, 1035 (9th Cir. 2012); *Burriss v. JPMorgan Chase & Co.*, No.
21 21-16852, 2024 WL 1672263, at *3 (9th Cir. 2024). Here, there was no litigation abuse or bad
22 faith conduct. Plaintiffs mistakenly contracted with two different law firms and promptly cured
23 the dual case filings.

24 **III. CONCLUSION**

- 25 4. For the foregoing reasons, Plaintiffs respectfully request that the Court deny Defendants'
26 Motion to Dismiss.
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Respectfully Submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 29, 2025, a true and correct copy of the foregoing Motion for Plaintiffs Opposition to Defendants' Motion to Dismiss was filed electronically via the Court's CM/ECF system, which will send notification to all counsel of record.

A handwritten signature in black ink, appearing to read "M. Kagramanian", is written over a horizontal line.

Michael Kagramanian (TBN 24136938)